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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,489	07/05/2001	Naofumi Hirayama	041514-5133	8434

9629 7590 12/28/2004

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EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/898,489

Applicant(s)

HIRAYAMA ET AL.

Examiner

Khawar Iqbal

Art Unit

2686

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 4-20.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-3 and 21.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10. ☐ Other: \_\_\_\_\_

*Charles Appiah* 12/27/04  
CHARLES APPIAH  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed 11-4-04 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicant's argument was that "Applicants respectfully submit that there is no motivation taught or suggested by the cited references to modify the teachings of Aarnio with the teachings of Corbitt to obtain the claimed combinations recited in claims 1 and 21 of the instant application". In response, examiner would like to point out that Aarnio teaches a system (10) provides interaction and communication between a mobile station (12) and a computer network (18), while a location server (22) provides specific and precise mobile station location using information from a digital camera (13) capturing digital images of landmarks, street names, buildings etc. This information is converted (reproducing) by an optical characteristics recognition server (20) linked to the Internet (18) (col. 4, lines 6-55). The system 10 can also be used to assist travelers with foreign language translations. For example, a digital image of a sign or word containing foreign language can be conveyed to the service server 24 for translation, with the translation then being transmitted to the MS along with an audible pronunciation of the word and/or product information relating to the translated word and/or a location associated with the word. Once a location or "match" is identified, the location is transmitted back to the MS (12). This can occur via a combination of the Internet 18 and network 14, or directly between the LS 22 and network 14 through, for example, wireless communication there between. The location information can be in the form of a text message or diagram (e.g. map) displayed on a display incorporated in the MS (12). For example, if the user is in need of gasoline or automotive repairs, the precise MS location can be used to access the service server 24 to locate gasoline stations or service stations closely proximate to the MS 12 and to provide directions to such stations. In the event the goods or service providers have a URL address to provide for Internet access, such addresses can also be transmitted for display on the MS (col. 4, lines 6-55, see figs. 3, 4, col. 3, lines 15-45). Corbitt et al A video monitoring system includes stationary camera devices (110) each having a security video camera (112) and a radio transmitter (114) transmitting a short distance to a display device (120) of a radio receiver (122) and a display (124). (col. 5, lines 8-14). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Additionally, the examiner has given the claim language its broadest reasonable interpretation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Anticipatory reference need not duplicate, word for word, what is in claims; anticipation can occur when claimed limitation is "inherent" or otherwise implicit in relevant reference (*Standard Havens products Incorporated v. Gencor Industries Incorporated*, 21 USPQ2d 1321).